Attachment to Independent Case Review Report
For CDRU # 860 Case file # 95-290381.

Material Examiner: Malone (RO)

Remarks:

Case resulted in trial, transcript available.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 3:15 PM (Time), 03/13/2001 (Date)

File #: 95-290381

Laboratory #(s): 91004076/00122032

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
RQ	X☐	☐		☐	☐
UF	☐	X☐		☐	☐
	☐	☐		☐	☐

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): unknown Pages: 227-244

Laboratory Report(s):

Laboratory Number: 91004076/00122032 Date: Mar 29, 1990

Laboratory Number: Date:

Laboratory Number: Date:

Examiner Bench Notes of: RQ

Laboratory Number: 91004076

Initials: SRR

Was any other material reviewed? X☐ Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letter (dated 9-19-89)

Results of Review

File #: 95-290381 Item or Specimen # Reviewed: Q1-Q8, Q13-Q17, K1, K2, K4, K5

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☐ No X☐ Unable to Determine

2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? ☐ Yes X☐ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

3) Testimony consistent with the laboratory report(s)? ☐ Yes X ☐ No ☐ Unable to Determine

4) Testimony consistent with the bench notes? ☐ Yes X ☐ No ☐ Unable to Determine

5) Testimony within bounds of examiner's expertise? X☐ Yes ☐ No ☐ Unable to Determine

Initials: SMA

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-290381

#1: With microscopic hair examination, even with the best notes, there is no way to determine the examination was performed correctly..

#2: The examination results set forth in the laboratory report are supported by the bench notes, but the documentation is marginally adequate. The notes are not dated or initialed and are in pencil. The bench notes do not document why the Negroid hair recovered from Q5 (victim's jumpsuit) is not suitable for comparison. The notes conclude items Q4 and Q5 are torn, but there is no documentation of the observed characteristics leading to that conclusion.

#3: Malone testified that "I processed all the items for hair and fibers" and "I removed all the hairs from these

Review completed at: 4:00 PM (Time), 03/13/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0:45 hours

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts — 03/13/2001

(Signature) (Date)

Initials: SR

Additional Comments
(Set forth by question #, if applicable)

File #: 95-290381

#3 (continued): items". The notes indicate, and this reviewer has been told, that technicians process and recover the hair and fiber evidence and that Malone didn't do technician work.

Malone testified twice that the hair recovered from the quilt and the jumpsuit are Negroid hair "fragments". His laboratory report does not state that the hair are fragments. (see #4 below)

#4: Malone's bench notes do not indicate the Negroid hair recovered from Q5 and Q6 are fragments. His notes are not consistent with his testimony concerning this.

Initials: SMR